

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

POWERS PAPER, LLC,

Plaintiff,

v.

NORTHSTAR SOURCING LLC;
INTERNATIONAL PAPER SOLUTIONS
d/b/a NORTHSTAR SOURCING,
KOOKA USA, LLC and JOHN KOUSSA,
Individually,

Defendants.

Case No. 24-10731

F. Kay Behm
U.S. District Judge

**ORDER DENYING PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT AGAINST ALL
DEFENDANTS WITHOUT PREJUDICE (ECF No. 10) and CANCELING HEARING**

Plaintiff filed a motion for default judgment after the Defendants were served with the summons and complaint and failed to answer or otherwise respond. (ECF No. 10). Plaintiff’s motion for default judgment must be denied because no default has been entered by the Clerk of the Court. “In order to obtain a default judgment against a party who has received service but failed to appear or plead in a case, the plaintiff must first seek an entry of default from the Clerk of the Court under Rule 55(a).” *Corsetti v. Hackel*, 2011 WL 2135184, *1 (E.D. Mich. 2011), citing 10A Charles A. Wright, Arthur Miller, & Mary Kay Kane,

Federal Practice & Procedure § 2682 (“Prior to obtaining a default judgment under either Rule 55(b)(1) or Rule 55(b)(2), there must be an entry of default as provided by Rule 55(a).”). Here, no default has entered against any of the Defendants and thus, the motion for entry of default judgment is **DENIED** without prejudice. Plaintiff may refile its motion after it obtains the proper defaults. The hearing scheduled for September 4, 2024 is **CANCELED**.

SO ORDERED.

Dated: September 4, 2024

s/F. Kay Behm

F. KAY BEHM

United States District Judge